

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 07-06025-06-CR-SJ-NKL
)	
DAVID LEE PHINNEY,)	
)	
Defendant.)	

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant appeared before me pursuant to Fed.R.Crim.P. 11, Local Rule 72(j)(26), and 28 U.S.C. § 636, and has entered a plea of guilty to Count 1 of the Indictment. I determined that the guilty plea is knowledgeable and voluntary and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such offense. A record was made of the proceedings and a transcript is available. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

s/ SARAH W. HAYS
SARAH W. HAYS
United States Magistrate Judge

Dated: July 23, 2008